

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARMELITA M. DESIDERIO
Personal Representative of the Estate of
PHILLIP R. CURLEY, deceased,

Plaintiff

v.

No. 1:23-cv-00057-SCY-KRS

UNITED STATES OF AMERICA;
JANELLE D. JONES, M.D.; and
JOY G. HARRISON, M.D.

Defendants.

MOTION FOR ORDER AUTHORIZING SERVICE BY PUBLICATION

COMES NOW Plaintiff, pursuant to Rules 4(e)(1) of the Federal Rules of Civil Procedure (“FRCP”) and 1-004(J) of the New Mexico Rules of Civil Procedure (“NMRCP”), and moves the Court for an order permitting service on Defendant Joy G. Harrison, M.D. by publication. As grounds therefore, Plaintiff states that this Defendant cannot be personally served with process within the State of New Mexico. Plaintiff's cause of action is a complaint for wrongful death. The details of Plaintiffs attempts at serving Dr. Harrison are as follows:

1. Plaintiff hired Same Day Process Service (“SDPS”) to attempt to locate and serve Dr. Harrison.
2. SDPS attempted to find contact information for Dr. Harrison at her last believed place of employment at Mimbres Memorial Hospital and Nursing Home (“Mimbres”) in Deming, New Mexico. An employee in Risk Management at Mimbres stated that Dr. Harrison had not worked at Mimbres for a few years and that they had no forwarding address.
3. Further search by SDPS discovered one possible residence in Brooklyn, New York. SDPS discovered the address to be an apartment building. SDPS spoke to two individuals who did not give their names and who advised SDPS that Dr. Harrison did not live at that

address but gave no further information such as a contact address.

4. An additional search by SDPS discovered another possible residence in Oyster Bay, New York. SDPS discovered this was a gated address with an intercom. Three attempts were made via intercom to contact a person in the residence. No one responded to the first two attempts. On the third attempt a person responded (identified as male by SDPS) who stated that there was no one with Defendant's name at that address.

The above attempts at personal service are attested to in the affidavits of Jack Rakowski, Luis Arriaga, and Richard Schultz of SDPS, which are attached as Exhibit A and made a part hereof by reference.

At this time, Plaintiff has no known address for Dr. Joy G. Harrison.

WHEREFORE, Plaintiff requests that she be allowed to serve Defendant Joy G. Harrison, M.D. by publication.

By: /s/ Brewster S. Rawls
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